



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

77367

DOCKET FILE COPY ORIGINAL

DA 09-2113

Released: September 24, 2009

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF  
MIDVALE TELEPHONE EXCHANGE, INC. TO THE  
MIDVALE TELEPHONE EXCHANGE, INC. EMPLOYEE STOCK OWNERSHIP TRUST**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

WC Docket No. 09-169

Comments Due: October 8, 2009

Reply Comments Due: October 15, 2009

On September 16, 2009, Lane R. Williams (Mr. Williams) and the Estate of Shirley Archer (Archer Estate) and the Midvale Telephone Exchange, Inc. Employee Stock Ownership Trust (Midvale ESOP) (collectively, Applicants) filed an application, pursuant to section 63.03 of the Commission's rules, to transfer control of Midvale Telephone Exchange, Inc. (Midvale) and its wholly-owned subsidiary M&L Enterprises d/b/a Skyline Telephone Company (Skyline) from Mr. Williams and the Archer Estate to the Midvale ESOP.<sup>1</sup> Midvale, an Idaho corporation, is an incumbent local exchange carrier (LEC) serving approximately 3,000 access lines in six Idaho exchanges (Midvale, Lakeview, Stanley, Warren, Warm Lake, and Yellow Pine), five Arizona exchanges (Cascabel, Young, Granite Mountain, Silver Bell, and Millsite), and two Oregon exchanges (Harper and Juntura). Skyline, an Idaho corporation, is an incumbent LEC serving approximately 152 access lines in the Mt. Hull exchange in Oroville, Washington. Mr. Williams, a U.S. citizen, and the Archer Estate, a U.S. entity, each own presently 50 percent of the equity and voting interests of Midvale. Mr. Williams is the initial Trustee for the Midvale ESOP, an Idaho-based Trust. Applicants state that the beneficiaries of the Midvale ESOP will be those employees of Midvale who elect to participate, and they state that no individual employee will hold a 10 percent or greater interest in the Midvale ESOP.

Applicants state that Midvale will transfer of all of its assets and liabilities to Midvale Telephone Company (MTC), a new operating subsidiary that will be owned 100 percent by Midvale. The Midvale ESOP will purchase shares of Midvale's stock, and Midvale will redeem all of the shares of its stock that are presently owned by Mr. Williams and the Archer Estate such that the Midvale ESOP will own 100 percent of the stock of Midvale, which will in turn own 100 percent of the stock of MTC. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section

<sup>1</sup> 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants are also filing an application for a transfer of control associated with authorization for wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>2</sup>

Domestic Section 214 Application Filed for the Transfer of Control of Midvale Telephone Exchange, Inc. to the Midvale Telephone Exchange, Inc. Employee Stock Ownership Trust, WC Docket No. 09-169 (filed Sept. 16, 2009).

### **GENERAL INFORMATION**

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before October 8, 2009**, and reply comments **on or before October 15, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>3</sup> Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

**In addition, e-mail one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov);
- 4) David Krech, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

---

<sup>2</sup> 47 C.F.R. § 63.03(b)(1)(ii).

<sup>3</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

-FCC-